HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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WRIT PETITION NO.20612 OF 1996

DATE:07.02.2007

Between:
The Executive Engineer,
T.G.P. Division No.3, B. Mettam,
Cuddapah District.

..... PETITIONER

AND

The General Secretary, Sri P.V.B.R.
Employees Union Reg.No.794 T.G. Colony,
B. Mettam Cuddapah District & Another.

.....RESPONDENTS

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WRIT PETITION NO.20612 OF 1996

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ORDER:

The Executive Engineer, Telugu Ganga Project, Division No.3, Bramhamgari Mattam, filed this Writ Petition questioning the order of the Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Anantapur, dated 14.2.1996 passed in M.P.No.24 of 1991.

The first respondent-Union filed an application under Section 33-C (2) of the Industrial Disputes Act, 1947 before the Labour Court, Anantapur claiming the wages and allowances on par with the work charged employees appointed by the Government in the same category as NMRs in various departments. The first respondent pleaded before the Labour Court that the Government of A.P. issued G.O.Ms.No.145, dated 31.3.1981 whereby it has fixed certain emoluments in respect of work charged employees engaged in Srisailam Project on nominal muster rolls such as NMR fitter, NMR Welder, NMR Electrician. The first respondent further claimed that since the members of its union also discharged similar duties as were discharged by the work charged employees covered by G.O.Ms.No.145, dated 31.3.1981, they are also entitled to the same benefits as were given under the said G.O. It was also pleaded that certain employees, who were members of the first respondent association filed W.P.No.16703 of 1986 and this Court by order dated 2.11.1987 allowed the writ petition and granted the relief. In pursuance of the same, the Union addressed a letter dated 10.12.1987 to the Officer on Special Duty, Telugu Ganga Project, Cuddapah to comply with the order of this Court by paying the salaries and

allowances as prescribed in G.O.Ms.No.145, dated 31.3.1981. Since the petitioner failed to implement the said order, they filed M.P.No.24 of 1991 under Section 33-C (2) of the Industrial Disputes Act, 1947 to compute the emoluments and direct the petitioner to pay the same.

The Labour Court after considering the rival contentions, passed the order, which is impugned in this Writ Petition, whereby while allowing the petition, the petitioner was directed to pay the difference as claimed by the first respondent-Union within four (4) months from the date of the order.

Heard the learned Assistant Government Pleader for Irrigation and learned counsel appearing for respondent No.1.

The learned Assistant Government Pleader contended that G.O.Ms.No.145, dated 31.3.1981 was issued only in respect of the work charged employees working under Srisailam Project and therefore, the members of the first respondent-Union are not entitled to the benefit under the said G.O. The learned Assistant Government Pleader further states that the Labour Court erred in allowing the petition filed by the first respondent-Union on the erroneous premise that G.O.Ms.No.145 applies to the members of the first respondent-Union, who admittedly were working in Telugu Ganga Project.

Per contra, learned counsel for first respondent submitted that though G.O.Ms.No.145 was issued covering the work charged employees of Srisailam Project, some of the temporary employees working in Telugu Ganga Project,

who were similarly placed as the members of the first respondent-Union, filed W.P.Nos.16703 of 1986 and 18023 of 1987 before this Court and this Court allowed both the writ petitions directing the respondents therein to extend the benefit of G.O.Ms.No.145 to the petitioners therein. The learned counsel further submits that the said orders have become final as the Government or its officers failed to question the correctness of the said judgments. The learned counsel therefore, pleads that since the said judgments have become final, the petitioner is bound to implement the same and as he failed to implement, the Union was forced to file the petition under Section 33-C (2) of the Industrial Disputes Act, 1947 which was rightly allowed by the Labour Court.

Having heard the rival contentions, I am of the view that the Labour Court is justified in granting the relief to the members of the first respondent-Union. It is not disputed that the orders passed in the two writ petitions mentioned above have attained finality. In the face of the said orders, wherein it was held that there is no justification to deny the benefits under the G.O.Ms.No.145 to the employees working in Telugu Ganga Project, neither the Government nor the petitioner can legitimately contend that the benefits of G.O.Ms.No.145, cannot be extended to the employees working in Telugu Ganga Project. The quantification made by the first respondent-Union before the Labour Court was not disputed by the petitioner.

Having regard to the fact that the employees working in Telugu Ganga Project were declared to be

entitled for the benefit under the G.O.Ms.No.145, the Labour Court was justified in allowing the application filed by the first respondent-Union under Section 33-C (2) of the Industrial Disputes Act. I do not, therefore, see any error in the order passed by the Labour Court and the Writ Petition is therefore dismissed. No costs.

C.V.NAGARJUNA REDDY, J.

07th FEBRUARY, 2007.
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